

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0968-01  
Bill No.: HB 246  
Subject: Crimes and Punishment; Science and Technology  
Type: Original  
Date: February 6, 2001

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**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(less than \$100,000)	(less than \$100,000)	(less than \$100,000)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(less than \$100,000)</b>	<b>(less than \$100,000)</b>	<b>(less than \$100,000)</b>

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

**FISCAL ANALYSIS**

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## ASSUMPTION

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assumes the proposed legislation would provide authority to combat technological crimes. MHP assumes their Drug and Crime Division would require additional personnel based on the proposed legislation. The Drug and Crime Division currently has 1 computer forensics investigator, who does about 20 investigations per year, including 15 forensic investigations and 5 computer crimes. These requests for investigations come from mainly outside agencies such as the Fire Marshal, Boone and Pettis Counties, etc. The computer forensics investigator could potentially handle up to 100 investigations per year. In order to properly investigate all of the potential requests that could come in from other agencies, it is estimated that a computer forensics unit would need 5 investigators (each at \$30,576 annually), 2 Computer Info Technicians (each at \$28,068 annually) and 2 Clerk Typists (each at \$16,032 annually).

There would be new equipment required for the computer forensics unit. The equipment would include the following:

\$10,000 Forensic computer hardware (hard drives, zip drives, CD-ROMs, printers, and computer peripherals)

\$15,000 Forensic computer software, licenses, and other equipment

\$25,000 per investigator = \$25,000 x 5 investigators = \$125,000 for computer equipment

Other associated costs would be all equipment needed for the Computer Information Technicians, Clerk Typists, and Recruits. Total costs including salaries, benefits, and expense and equipment as estimated by the MHP would be \$654,523 in FY 2002, \$354,056 in FY 2003, and \$362,988 in FY 2004.

**Oversight** assumes the MHP could initially absorb some additional workload created by this proposal with existing resources, but may need to request additional resources in later years through the normal budgetary procedures if the caseload increases to the amount estimated by the MHP. Oversight has based its decision upon;

- The other agencies responding to this proposal did not anticipate a substantial increase in cases. MHP stated that the current computer forensic investigator does about 20 investigations per year, but could potentially handle up to 100 investigations per year. Therefore, Oversight assumes some additional caseload could be absorbed by the current investigator.
- In response to other electronic crime legislation in 2000, the MHP assumed the proposals would not have a fiscal impact upon their agency.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY99 average \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY 99 average \$2.47 per offender, per day). Supervision by the DOC through probation or incarceration would result in some additional costs, but DOC officials assume that the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders.
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

If long-range fiscal impact would prove to be an amount in excess of that which could be absorbed by DOC, any costs profiled in this fiscal note would be requested through normal budgetary request procedures for the time periods affected by passage of this legislation.

The need for additional capital improvements or rental space is not anticipated at this time. It must be noted that the cumulative effect of various new legislation, if adopted, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

**Oversight** assumes that the conviction and incarceration of only one person would create a minimal fiscal impact of less than \$100,000 annually.

Officials from the **Office of Prosecution Services** assumes this legislation can be absorbed with existing funds for prosecutors.

Officials from the **Office of the State Courts Administrator (CTS)** state this proposed legislation would provide authority to combat technological crimes, and expand the definition of some crimes to include the use of technology.

CTS assumes there may some increase in the number of cases filed, but would not anticipate a significant impact on the budget of the judiciary.

ASSUMPTION (continued)

Therefore, **Oversight** assumes that CTS could absorb any additional costs resulting from this proposal within their current budget constraints.

Officials from the **Office of the State Public Defender** assumes that existing staff could provide representation for those few cases arising where indigent persons were charged with knowingly causing a computer catastrophe. However, passage of more than one similar bill would require the State Public Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Office of the Attorney General** assume that costs resulting from this proposal could be absorbed by their agency.

Officials from the **Department of Public Safety**, Divisions of **Fire Safety**, **Missouri Water Patrol** and **Missouri National Guard** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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**GENERAL REVENUE**

<u>Cost - Department of Corrections</u> Incarceration/Probation costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
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<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
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	\$0	\$0	\$0
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal authorizes the Attorney General to use all powers provided by law to investigate technological crimes, as defined in the proposal, including the ability to apply for search warrants and subpoena witnesses and other evidentiary materials. The proposal also clarifies that the

DESCRIPTION (continued)

offense of aggravated stalking includes credible threats made by electronic communications, by telephone, or by posted messages publicly accessible via a computer. Finally, the proposal expands the crime of causing a catastrophe to include the initiating of a computer virus and the modifying, destroying, damaging, or disabling of any computer network or program.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

#### SOURCES OF INFORMATION

Office of the Attorney General  
Office of Prosecution Services  
Office of the State Courts Administrator  
Office of the State Public Defender  
Department of Corrections  
Department of Public Safety  
    Missouri Water Patrol  
    Missouri National Guard  
    Division of Fire Safety  
    Missouri Highway Patrol



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Director  
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